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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

DAVID AND NATASHA WIT, *et al.*,  
 Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH  
 (operating as OPTUMHEALTH  
 BEHAVIORAL SOLUTIONS),  
 Defendant.

Case No. 3:14-CV-02346-JCS  
 Action Filed: May 21, 2014

**PLAINTIFFS' ADMINISTRATIVE MOTION  
 TO SEAL PORTIONS OF THEIR MOTION  
 TO COMPEL AND EXHIBITS TO THE  
 DECLARATION OF CAROLINE E.  
 REYNOLDS IN SUPPORT THEREOF**

GARY ALEXANDER, *et al.*,  
 Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH  
 (operating as OPTUMHEALTH  
 BEHAVIORAL SOLUTIONS),  
 Defendant.

Case No. 3:14-CV-05337-JCS  
 Action Filed: December 4, 2014

Judge: Hon. Joseph C. Spero  
 Courtroom: G

Pursuant to Civil Local Rules 79-5 and 7-11, Plaintiffs David and Natasha Wit, Brian Muir, Brandt Pfeifer, Lori Flanzraich, Cecilia Holdnak, Gary Alexander, Corinna Klein, and David Haffner (collectively “Plaintiffs”) in the above-captioned actions move this Court for leave to file under seal exhibits attached to and portions of Plaintiffs’ Motion to Compel Defendant United Behavioral Health (“Defendant”) to produce documents improperly redacted or withheld as privileged.

Specifically, Plaintiffs request that the following materials be filed under seal because Defendant has designated them Confidential or Highly Confidential under the parties’ Stipulated Protective Order (ECF No. 61):

- Exhibits H.1 through H.9 to the Declaration of Caroline E. Reynolds in Support of Plaintiffs’ Motion to Compel; and
- Portions of the Motion to Compel which quote from and discuss the aforementioned documents (highlighted in the version submitted to the Court).

The motion is accompanied by the Declaration of Caroline E. Reynolds in Support of Plaintiffs’ Administrative Motion to Seal (“Reynolds Declaration” or “Reynolds Decl.”) pursuant to Civil Local Rule 79-5(d)(1)(A), a stipulation pursuant to Civil Local Rule 7-11, and a proposed order in accordance with Civil Local Rules 7-11 and 79-5(d)(1)(B).

### ARGUMENT

The Ninth Circuit employs two standards for evaluating a request to seal: (1) the “compelling reasons” standard, for materials used at trial or filed as part of dispositive motions; and (2) the more lenient “good cause” standard for materials used as part of non-dispositive motions during the pendency of an action. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006). Plaintiffs seek to seal information in their non-dispositive Motion to Compel; thus the “good cause” standard applies to their request. “When a court grants a protective order for information produced during discovery, it already has determined that ‘good

cause' exists to protect this information from being disclosed to the public by balancing the needs for discovery against the need for confidentiality." *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1213 (9th Cir. 2002).

Here, Defendant, the designating party, has determined that the documents included in Exhibits H.1 through H.9 contain competitively-sensitive and/or Confidential Personal Information, entitled to a designation of "Confidential" or "Highly Confidential" under the parties' Stipulated Protective Order. Reynolds Decl. ¶ 3. Therefore, good cause exists for permitting Plaintiffs to file these documents under seal as attachments to their Motion to Compel. Similarly, quotations taken from these documents that appear in Plaintiffs' Motion to Compel should be redacted in the version of the motion made publicly available.

### CONCLUSION

For the reasons set forth above, Plaintiffs request that the Court grant their motion to file the following documents under seal:

- Exhibits H.1 through H.9 to the Declaration of Caroline E. Reynolds in Support of Plaintiffs' Motion to Compel; and
- Portions of the Motion to Compel which quote from and discuss the aforementioned documents.

Dated: November 23, 2015

Respectfully submitted,

/s/ Caroline E. Reynolds

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